IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6343 OF 2006

Kum. Punam Sanjay Lakka ...Petitioners.

V/s

State of Maharashtra and Ors. ...Respondents.

Mr. R.K. Mendadkar for Petitioners.

Mr. R.D. Rane, Government Pleader for Respondents.

CORAM: H.S. BEDI, C.J. &
V.M. KANADE, J.

DATE : OCTOBER 10, 2006

P.C.:

1. Affidavit in reply is taken on record.

2. We have heard the learned Counsel for the parties and perused the pleadings.

3. We observe that Shri D.R. Chaudhari was, at the relevant time, holding a substantive post of law Officer and not that of Member Secretary of the Scrutiny Committee. As per Government Notification dated 4th June 2006, Item No.4, when read alongwith Rule 9 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, Member Secretary must be a Member of the Scrutiny Committee under all circumstances. It is

clearly stated in the reply that Shri M.S. Deore, who was a Member Secretary, was on Medical Leave with effect from 31st December, 2005 and, therefore, Shri D.R. Chaudhari, who was a Law Officer, was given the additional charge of Member Secretary while holding the post of Law Officer as well. We thus find that the Committee was not properly constituted. We, therefore, quash the impugned Order at Exhibit "A" with liberty to the respondents to pass a fresh order in accordance with law as expeditiously as possible. Ipso facto, the admission granted to the Petitioner which was cancelled, is also restored and order dated 8th September, 2006 issued by the respondent No.4 is set aside. We also direct that all consequential actions including the declaration of the result of the First Year B.D.S. Course Examination held in the month of June, 2006 will follow.

4. We also observe that no issue on the merits of the controversy has been raised by the learned Counsel for the parties and all issues are therefore kept open.

CHIEF JUSTICE

V.M. KANADE, J.